REMARKS

Claims 1-24 remain pending in the case. Claim 6 has been amended to recite "[a] virus the envelope of which comprises a transporter having transporter activity." Support for the amendment to claim 6 can be found, e.g., at page 13, lines 13-23. No new matter has been added.

Responsive to the Office Action mailed January 25, 2007, Applicants elect Group I, claims 1-11, *with traverse*.

The Office Action states that the application is directed to the following three distinct groups: Group I, claims 1-11, drawn to a method for expressing a transporter having transporter activity, wherein the method comprises culturing a host infected with recombinant virus[1]; Group II, claims 12-15, drawn to measuring the activity of a transporter, wherein the method comprises expressing the transporter on a viral envelope; and Group III, claims 16-24, drawn to a method of screening for a substance that inhibits or promotes transport activity of a transporter. The Office Action opines that the inventions represented by Groups I-III do not relate to a single general inventive concept because they allegedly lack a shared "same or corresponding technical feature" that is a contribution over the prior art. According to the Examiner, Hsu *et al.* teaches "a method for expressing the human intestinal oligopeptide transporter (PepT1) in mammalian cells by infection via the adenoviral transduction." In the Examiner's view, this disclosure anticipates claim 1.

Applicants disagree. Claim 1 includes a limitation that apparently was overlooked by the Examiner: "and expressing the transporter on the envelope of a budding virus released from the host." This limitation is not taught (even inherently) by Hsu *et al.*, who utilized an adenovirus for their experiments. It is well known that adenoviruses are non-enveloped viruses (see, e.g., http://virus.stanford.edu/adeno/adeno.html), and so do not possess an envelope on which the transporter could have been expressed. Likewise, independent claims 12 and 16 are drawn to methods that require "expressing the transporter on a viral envelope." The only other independent claim, claim 6, has been amended above to specify that the virus is an enveloped virus. Accordingly, none of the claims is anticipated by Hsu *et al.*

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[1] Applicants note that this description incorrectly characterizes claims 6-11 as being drawn to a method, where in fact they claim a virus.

The Examiner has not asserted that any of the independent claims would have been obvious over the disclosures of this reference, and indeed they would not have been, since Hsu *et al.* suggest no reason for producing an enveloped virus having a transporter expressed on its envelope. Hsu *et al.* were concerned with studying whether absorption of peptide drugs by epithelial cells could be increased by causing such cells to overexpress the PepT1 transporter protein. See, e.g., the abstract on page 1376 and the first paragraph of the Discussion on page 1380. The authors deliberately selected an adenoviral vector for these studies, apparently because of its promise as a vector for gene delivery in vivo. See, e.g., page 1376, col.2, first full paragraph. Since Hsu *et al.* were focused on producing a cell-based model for studying ways to enhance *in vivo* oral peptide uptake by epithelial cells (the cells that line the gastrointestinal system), it was important to express the transporter on the cells' plasma membrane where it could function to transport peptides into the cells. There is no motivation whatsoever in Hsu *et al.* to produce an enveloped virus that expresses a transporter on its viral envelope.

It follows that all of the claims do share a special technical feature that is not disclosed by this reference. As the Examiner has cited no other reason to support the restriction requirement, withdrawal of the requirement is respectfully requested.

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Respectfully submitted,

Date: 2/26/07

REG. NO. 54,112

for Janis K. Fraser, ~~Ph.D.~~, J.D.
Reg. No. 34,819

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

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